



HILL RIVKINS LLP  
45 Broadway, Suite 1500, New York, NY 10006-3793  
Tel: 212 669-0600 Fax: 212 669-0698/0699  
e-mail: [thefirm@hillrivkins.com](mailto:thefirm@hillrivkins.com)  
Website: [www.hillrivkins.com](http://www.hillrivkins.com)

*Via ECF*

August 5, 2019

Honorable Gregory H. Woods  
United States District Judge  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

Ref.: In the Matter of the Complaint of  
Hapag Lloyd Aktiengesellschaft a/k/a  
Hapag-Lloyd AG  
As Owners and Operators of the M/V Yantian Express  
Index No. : 19-cv-5731 (GHW)  
Our File: 34505

Dear Judge Woods:

We represent AGCS Marine Insurance Company, Federal Insurance Company and numerous other cargo insurers worldwide that posted General Average and Salvage Security in connection with the January 3, 2019, fire onboard the M/V YANTIAN EXPRESS (the "Vessel"). The fire is the subject of the limitation complaint filed by Hapag Lloyd Aktiengesellschaft a/k/a Hapag- Lloyd AG ("Hapag Lloyd") in the referenced proceedings.

According to the Court's Order (Dkt. No. 12) and Notice of Complaint Pursuant to 46 U.S.C. §30505 and §30511, all persons having claims are directed to file them on or before August 14, 2019. We are writing, with the consent of Hapag Lloyd, to respectfully request a forty-five (45) day extension of that deadline up to and including September 27,

NEW JERSEY  
102 South Broadway  
South Amboy, NJ 08879-1708  
Tel: 732 838-0300 Fax: 732 316-2365  
e-mail: [thefirm@hillrivkins.com](mailto:thefirm@hillrivkins.com)

TEXAS  
55 Waugh Drive, Suite 1200  
Houston, Texas 77007  
Tel: 713 222-1515 Fax: 713 222-1359  
e-mail: [thefirm@hillrivkins.com](mailto:thefirm@hillrivkins.com)

CALIFORNIA  
Hill Rivkins Brown & Associates  
11140 Fair Oaks Boulevard, Suite 100  
Fair Oaks, CA 95628-5126  
Tel: 916 535-0263 Fax: 916 535-0268  
e-mail: [thefirm@benlaw.com](mailto:thefirm@benlaw.com)

2019. This is the first request for an extension and will not affect any other deadlines in the case. The reason for the request is as follows.

When the fire occurred, the Vessel was bound for Halifax, Nova Scotia, but it deviated from its intended discharge ports along the United States East Coast and proceeded to Freeport, Bahamas, for repairs. The Vessel resumed its voyage from the Bahamas to Halifax where it discharged its cargo between May 21<sup>st</sup> and June 1<sup>st</sup>. Containers that were destined for US East Coast Ports were then transported to destination.

Accordingly, while the fire occurred in January, the cargo was not delivered until June, 2019. In many instances, the insureds and insurers are still in the process of receiving, reviewing and adjusting the claims for damage as a result of the fire. The insurers have some information relating to the insured cargo and its condition, but in many instances are still compiling the relevant surveys, claim adjustments, and subrogation receipts from the insureds. In order to obtain an accurate assessment of the damage(s), and to include all of the relevant information for the affected cargo, an additional 45 days past the present August 14<sup>th</sup> filing deadline is respectfully requested.

With the filing of the limitation proceeding, the one year statute of limitations to file an action for cargo damage has been accelerated. To avoid having to amend the claims multiple times as more information concerning the losses are compiled, and to ensure the accuracy of any claims that will be filed, an extension of the filing deadline until September 27, 2019, is requested to ensure the orderly processing of the claims and supports.

We have contacted Mike Fernandez, Esq. and Gina Venezia, Esq. of Freehill Hogan & Mahar, who represent Hapag Lloyd in the limitation proceeding. Hapag Lloyd consents to the extension requested. Hapag Lloyd has requested that if the extension is granted, that it be allowed to provide notice of the new date to any “person known to have made any claim against the vessel or the plaintiff” via email. We will file a significant number of claims prior to the present deadline, but the requested extension would be of assistance to many of the European based cargo interests who are making best efforts to comply with the present deadline.

We thank Your Honor for your time and consideration of this request and are available to discuss at the Court’s convenience.

Honorable Gregory H. Woods  
United States District Judge  
August 5, 2019  
Page | 3

Respectfully submitted,  
HILL RIVKINS LLP



James A. Saville, Jr.

cc: ***Via ECF***  
Freehill Hogan & Mahar  
Attorneys for Hapag-Lloyd AG  
Attn: Michael Fernandez, Esq.  
Gina Venezia, Esq.